

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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|---|---|------------------------------------|
| MEDARC, LLC, as Collection Agent for | § | |
| Jeffrey H. Mims, Trustee of the Liquidating | § | |
| Trust of Revolution Monitoring, LLC, | § | |
| Revolution Monitoring Management, LLC, | § | |
| and Revolution Neuromonitoring, LLC, | § | |
| Plaintiff, | § | |
| v. | § | Civil Action No. 3:20-CV-3281-N-BH |
| | § | |
| MERITAIN HEALTH, INC., | § | |
| Defendant. | § | |

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Defendant Meritain Health, Inc.'s Motion to Dismiss Plaintiff's First Amended Complaint and Brief in Support, filed June 23, 2021 (doc. 20), is **GRANTED in part** and **DENIED in part**. The plaintiff's ERISA claims under Sections 502(a)(1)(B), 502(a)(2), and 502(a)(3), and its breach of contract claims, are **DISMISSED with prejudice**.

SIGNED this 3rd day of December, 2021.


UNITED STATES DISTRICT JUDGE